

RECEIVED

FEB 17 2004

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION UNDER RULE 181 PURSUANT TO HOLDING OF ABANDONMENT

APPLICANT – ANNA MECCA

TITLE – TOUCH UP COSMETIC COMPACT

SERIAL NUMBER – 10/024,823

FILING DATE – 12/18/2001

MAIL STOP – PETITIONS

COMMISSIONER FOR PATENTS

P. O. BOX 1450

ALEXANDRIA, VA 22313-1450

ATTENTION OF DIRECTOR OF OITE

Dear Sir:

The attached material was sent express mail on December 26, 2003 addressed to Mail Stop – Non Fee Patent Amendment. In the event that this address was incorrect, this attached material was resubmitted by express mail to the office of petitions on January 12, 2004. No answer was received. This material is now resubmitted with a petition fee enclosed of \$130.

On 12/23/03, the undersigned received a copy of the above identified Notice of

Abandonment, CERTIFICATION No. 4267, stating that a Notice to File Missing Parts

Adjustment date: 10/13/2004
02/13/2004 SSESHE1 00000081 10024823
01 FC:1460 -130.00 OP

Refund Ref:
10/13/2004 SDIRETA1 0000139365 ME

CHECK Refund Total: \$130.00

02/13/2004 SSESHE1 00000081 10024823 130.00 OP
01 FC:1460

mailed on 01/22/2002 was mailed to applicant and no reply was received. A copy of the Notice is attached.

The undersigned mailed the above identified application as an express mail package [E7760486694US] on 12/18/01 and had carefully reviewed all proper documents that were included in the package.

The undersigned attaches a copy of the utility patent application transmittal form listing all of the application elements which were included in the package and identifying the express mailing.

The undersigned received a return postcard from the Office acknowledging proper receipt of all filed documents. A copy of the return postcard is attached. This receipt clearly acknowledges that the Patent Office received all proper documents as listed on the postcard. If parts of the application were missing, the Patent Office should have issued a Notice to File Missing Parts rather than authenticating proper filing by sending out the return post card.

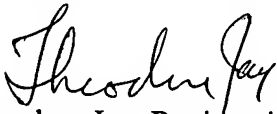
The undersigned subsequently received Confirmation No. 4267 Filing Receipt bearing mailing date of 01/22/2002 copy attached. This document confirms the proper filing accepted on the return post card and bears the mailing date of 01/22/2002. This mailing date is identical to the Notice to File Missing Parts that the Confirmation Letter states was mailed on the same date of 01/22/02 to the undersigned. Clearly Confirmation No 4267 Filing Receipt and the mailing date given to the Notice of Missing Parts are identical and are inherently contradictory. How could the Patent Office issue the Filing Receipt document and confirm that all parts of the application had been properly received and on the same date issue the Notice of Missing Parts?

Applicant assumes that for some reason the Notice to File Missing Parts was never properly mailed. In any event, it was never received. Applicant cannot respond to it because the parts alleged to be missing are not identifiedl

In fact, applicant submits that the attachments described and attached above confirm his position that the application was complete in every detail when filed and perhaps some parts of the application were misplaced or improperly filed after receipt in the Office.

Applicant will of course furnish copies of what ever parts have been found missing once he is informed as to what copies are needed. However, applicant respectfully submits that the Notice of Abandonment should be withdrawn and that this application should be restored to pending status so that an appropriate action can be issued by the Office once the Office file is complete.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Theodore Jay".

Theodore Jay, Registration Number 17071

16 N. Chatsworth Ave.

Suite 600

Larchmont, NY 10538

Tel 914 834 3769

February 9, 2004



Indicate type a plus sign (+) inside this box ☐

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/06 (03-01)

Approved for use through 10/31/2002. OMB 0961-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	
First Inventor	ANNA NECCA
Title	TOUCH UP COSMETIC COMPACT
Express Mail Label No.	ET 760486694 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Items (e.g., PTO/SB/17) **24.140**
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification (Total Pages **5**)
(Indicate arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) (Total Sheets **3**)
- ☒ Oath or Declaration (Total Pages **1**)
 - ☐ Newly executed (original or copy)
 - ☐ Copy from a prior application (37 CFR 1.83 (d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.83(c).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 2.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1448 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 603) (Should be specifically labeled)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/26 or its equivalent.
- ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. _____ / _____

Prior application information:

Serial No. _____

Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 18, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation may only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☒ Correspondence address below

Name	THEODORE JAY				
Address	16 N CHATELWORTH AVE				
	SUITE 600				
City	LARCHMONT	State	NY	Zip Code	10538
Country	USA	Telephone	914 831 3767	Fax	914 831 1847
Name (Print/Type)	THEODORE JAY		Registration No. (Attorney/Agent)	17071	
Signature	<i>Theodore Jay</i>		Date	12/18/01	

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Receipt is acknowledged for
patent application papers
of Anna Fresca and John Shink
for Touch Up Cosmetic Compact
including specification and
claims, 13 sheets of drawings
Declaration + Power of
attorney, assignment and
cover sheet utility patent
application transmitted form
Request + Certificate form
return postcard and
check for \$410

1984 U.S. PTO
10/12/83
12/12/91


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/024,823	12/18/2001	3728	370		3	6	1

CONFIRMATION NO. 4267
FILING RECEIPT


OC000000007341814

THEODORE JAY
SUITE 600
18 N CHATSWORTH AVE.
LARCHMONT, NY 10538

Date Mailed: 01/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Anna Mecca, Ridgefield, NJ;
John J. Slink, Greenwich, CT;

Domestic Priority data as claimed by applicant
Foreign Applications
If Required, Foreign Filing License Granted 01/22/2002
Projected Publication Date: Request for Non-Publication Acknowledged
Non-Publication Request: Yes
Early Publication Request: No
**** SMALL ENTITY ****
Title

Touch up cosmetic compact

Preliminary Class

208